

**ENTERED**

December 18, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

DOMINIC GUERRA,

Petitioner,

VS.

LORIE DAVIS,

Respondent.

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CIVIL ACTION NO. 2:19-CV-365

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**


Before the Court is Magistrate Judge Jason B. Libby's Memorandum and Recommendation (M&R). (D.E. 16). The M&R recommends that the Court grant Respondent's motion for summary judgment. (D.E. 14) and dismiss Petitioner's petition for writ of habeas corpus (D.E. 1) as untimely. (D.E. 16, p. 1). Additionally, the M&R recommends that the Court deny Petitioner a certificate of appealability. *Id.*; see 28 U.S.C. § 2253(c).

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. Petitioner filed a number of untimely letters with the Court, which the undersigned liberally construes as objections to the M&R. (D.E. 18, 19, 20, 21). Having carefully reviewed the proposed findings and conclusions of the M&R, the record, the applicable law, and having made a de novo review of the portions of the M&R to which Petitioner's objections appear to be directed, 28 U.S.C. § 636(b)(1), the court **OVERRULES** Petitioner's objections. (D.E. 18, 19, 20, 21).

Accordingly, the Court:

- (1) **ADOPTS** the M&R in its entirety. (D.E. 16).
- (2) Respondent's motion for summary judgment (D.E. 14) is **GRANTED**.
- (3) Petitioner's petition for writ of habeas corpus is **DISMISSED**. (D.E. 1).
- (4) A certificate of appealability is **DENIED** pursuant to 28 U.S.C. § 2253(c).

SO ORDERED.



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DAVID S. MORALES  
UNITED STATES DISTRICT JUDGE

Dated: Corpus Christi, Texas  
December 18, 2020